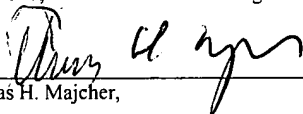




PATENT

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 26, 2004.


Thomas H. Majcher,

Reg. No. 31,119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/476,689 Confirmation No.: 8160
Applicant : Kent C. B. Stalker
Filed : December 30, 1999
Art Unit : 3763
Examiner : Ghafoorian, Roz
Title : DEVICE FOR, AND METHOD OF, BLOCKING EMBOLI IN
VESSELS SUCH AS BLOOD ARTERIES
Docket No.: : ACS 52008 (1816P) August 26, 2004
Customer No. : 24201 Los Angeles, California

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))**

Dear Sir:

The owner, Advanced Cardiovascular Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,540,722 issued to Boyle et al. on April 1, 2003 and prior U.S. Patent No. 6,702,834 issued to Boylan et al. on March 9, 2004. The owner hereby agrees that any patent so

09/01/2004 CCHAU1 00000012 09476689

01 FC:1814

110.00 OP

granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

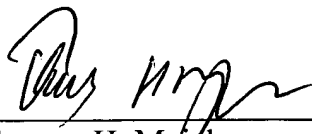
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that either later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(c), has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

The undersigned is an attorney of record

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Thomas H. Maicher
Registration No. 31,119

THM:mjm
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
63717.1